

REMARKS

Claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19, 21 and 22 are pending in this application. By this Amendment, claims 2, 4, 6, 9, 11, 13, 16, 18 and 20 are canceled without prejudice to, or disclaimer of, the subject matter therein.

In section 2 on pages 2-3, the Office Action rejects claims 2, 4 and 6 under 35 U.S.C. §102(b) as being anticipated by JP401167797A to Ogura et al. In section 5 on pages 3-4, the Office Action rejects claims 9, 11, 13, 16, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Ogura et al. in view of U.S. Patent No. 6,342,665 to Okita. These rejections are respectfully traversed.

Claims 2, 4, 6, 9, 11, 13, 16, 18 and 20 are canceled without prejudice to, or disclaimer of, the subject matter therein. For at least the foregoing reasons, it is respectfully requested that the rejections of claims 2, 4, 6, 9, 11, 13, 16, 18 and 20 in sections 2 and 5 of the Office Action, be withdrawn.

In section 3 on page 3, the Office Action rejects claim 22 under 35 U.S.C. §102(b) as being anticipated by JP02000347668A to Takahashi. This rejection is respectfully traversed.

According to claim 22, a game starts when an initially inputted beating operation signal is received as a start signal in a start acceptance state.

Takahashi teaches an electronic percussion instrument which changes over an automatic play pattern, when the beat pattern of the drum pattern is compared with a trigger pattern stored in a trigger pattern storage means and the result of comparison shows coincidence of the beat pattern with the drum pattern.

In Takahashi, while making input operations, a beat pattern is compared with a trigger pattern, and as a result of the comparison, the electronic percussion instrument changes over an automatic play pattern (see English Abstract).

The subject matter recited in claim 22 is distinguished from Takahashi in the following manner. Initially, the timing at which a result of comparison between two patterns is judged in Takahashi is different from the timing at which a sensed signal is judged in the present invention. In Takahashi, a result of the comparison between two patterns is judged during a player's performance of a percussion instrument. In the subject matter recited in claim 22, a sensed signal is judged in a start acceptance state.

Second, what the judgment is based on is different in Takahashi and in the subject matter recited in claim 22. In Takahashi, the judgment is based on a result of comparison between a beat pattern and a trigger pattern. In the subject matter recited in claim 22, the judgment is based on a second initially inputted beating operation signal.

Third, what happens as a result of the judgment is different in Takahashi and in the subject matter recited in claim 22. In Takahashi, when the beat pattern coincides with the trigger pattern, an automatic play pattern is changed over to any automatic play pattern stored in the automatic play pattern storage means. In the subject matter recited in claim 22, when an initial inputted beating operation signal is sensed, a game starts.

Furthermore, Takahashi cannot arrive at sensing an initially inputted beating operation signal in a start acceptance state as recited in claim 22. The objective of Takahashi is to change over an automatic play pattern without spoiling the performance of percussion instrument play, during a player's music performance (see English Abstract). This means that in Takahashi, a beating operation signal is sensed while making consecutive beating inputs. Therefore, Takahashi teaches away from sensing an initially inputted beating operation signal, as recited in claim 22.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 22 as being anticipated by Takahashi, be withdrawn.

The Office Action Summary indicates that claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19 and 21 are allowed. It is believed that section 6 of the Office Action on pages 4-5 also intended to make this indication of allowability, particularly in view of the Reasons for Allowance on page 5.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19, 21 and 22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Mark R. Woodall
Registration No. 43,286

JAO:MRW/mdw

Date: January 31, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--